

**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 115954/BAL	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).	
International Application No.  <b>PCT/AU2003/001272</b>	International Filing Date (day/month/year) 26 September 2003	Priority Date (day/month/year)  26 September 2002
International Patent Classification (IPC) or national classification and IPC  <b>Int. Cl. <sup>7</sup> G09B 1/00, G09F 9/00, A61B 5/16</b>		
Applicant  <b>MOOD SCHOOL PTY LTD et al</b>		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.  
☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
These annexes consist of a total of sheet(s).
3. This report contains indications relating to the following items:

I	<input checked="" type="checkbox"/>	Basis of the report
II	<input type="checkbox"/>	Priority
III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
IV	<input type="checkbox"/>	Lack of unity of invention
V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
VI	<input checked="" type="checkbox"/>	Certain documents cited
VII	<input checked="" type="checkbox"/>	Certain defects in the international application
VIII	<input type="checkbox"/>	Certain observations on the international application

Date of submission of the demand 19 April 2004	Date of completion of the report 24 January 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>XAVIER GISZ</b> Telephone No. (02) 6283 2064

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☐ the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-60	YES
	Claims	NO
Inventive step (IS)	Claims 7-28, 35-38, 43-58	YES
	Claims 1-6, 29-34, 39-42, 59-60	NO
Industrial applicability (IA)	Claims 1-60	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1....US 5,511,981

D2....US 5,399,092

D3...."Donnie Darko" DVD

Novelty (N) claim 1-60

Claims 1-60 meet the criteria set forth in PCT Article 33(2) for novelty. The prior art published before the priority date does not disclose a method for a person to graphically represent their mood state by graphically representing the proportion that each of a number of primary moods contribute to the selected mood state.

Inventive Step (IS) claims 1-6, 29-34, 39-42, 59-60

Claims 1-3, 29, 30: D1 and D2 disclose an apparatus (10) comprising a structure (12) onto which the patient places indicators (14) to represent the patient's feelings wherein the psychological states are represented at the extremes of the structure.

Although primary moods are not disclosed, it would be considered a mere workshop improvement to a PSA to substitute primary moods for the psychological states disclosed.

Claim 4: The step of including a physician's input in the process of graphically representing the mood state of a person would be considered a mere workshop improvement to a PSA and consequently lacks inventive step with respect to either D1 or D2.

Claims 5, 6: The step of including the individual's identification details in the process of graphically representing a patient's mood would be considered a mere workshop improvement to a PSA and consequently lacks inventive step with respect to either D1 or D2.

Claims 31-34, 39-42, 59, 60: Using a computer as a means of graphically representing the individual's emotions would be considered a mere workshop improvement to a PSA and consequently lacks inventive step with respect to either D1 or D2.

Claims 1-3, 29, 30: D3 discloses a method of analysing emotions comprising a graphical scale which ranges between the primary moods of "fear" and "love" wherein the individual marks on the scale how they think another person would feel in a particular situation.

Although the citation does not disclose the use of the graphical scale to represent how the individual themselves feel, this would be considered a mere workshop improvement to a PSA and consequently lacks inventive step.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU2003/001272

**VI. Certain documents cited****1. Certain published documents (Rule 70.10)**

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date ( valid claim) (day/month/year)
X, P US 6,607,390	19 August 2003	26 July 2001	26 July 2001

The document discloses an invention similar to the invention defined in claims 1-6, 29-34, 39-42, 59-60

**2. Non-written disclosures (Rule 70.9)**

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

Claim 2 appears to be intended to be appended to claim 1, however there is no explicit reference to claim 1. It is assumed that claim 2 is appended to claim 1 for the purposes of this report.